

GAO Highlights

Highlights of [GAO-24-107789](#), a testimony before the Subcommittee on Modernization, Committee on House Administration, House of Representatives

Why GAO Did This Study

The U.S. Constitution requires each state's governor to issue written orders for special elections to fill House vacancies. States are responsible for overseeing federal elections in their jurisdiction in accordance with state and federal laws.

In recent years, a growing number of threats have been made against members of Congress. In light of these threats and the COVID-19 pandemic, there has been increased interest in whether states are appropriately positioned to hold special elections to fill mass House vacancies.

This statement is based on GAO's ongoing review of state capabilities to hold such elections. It provides preliminary observations on (1) state laws related to holding special elections to fill House vacancies and (2) the perspectives of state election officials on the capabilities of, and challenges facing, states in holding special elections to fill House vacancies consistent with federal law.

To develop these preliminary observations, GAO analyzed laws in all 50 states related to holding special elections to fill House vacancies. In addition, GAO conducted a web survey of state election officials in all 50 states to obtain their perspectives on holding special elections consistent with federal law. As of the beginning of September 2024, 27 states have responded to the survey. GAO also reviewed relevant reports and interviewed subject matter experts from four organizations, selected based on their work on this topic.

View [GAO-24-107789](#). For more information, contact Rebecca Gambler at (202) 512-8777 or gambler@gao.gov.

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ELECTIONS

Preliminary Observations on State Laws and Perspectives on Holding Special Elections to Fill House Vacancies

What GAO Found

Following the terrorist attacks on September 11, 2001, Congress passed and the President signed a law in 2005 that generally requires states to hold special elections within 49 days of the Speaker of the U.S. House of Representatives (House) announcing that there are more than 100 vacancies in the House. GAO's preliminary analysis identified nine states that have laws for holding special elections to fill House vacancies that adopt aspects of the federal law, such as those related to the 49-day time frame. In addition, almost all of the other 41 states have provisions in their laws that address holding special elections to fill vacancies in the House. Examples of the types of timing provisions in these laws include specifying the number of days within which states are required to hold the election or giving the governor discretion to order an election within a specific time frame.

U.S. Capitol Building, where the U.S. House of Representatives Assembles



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GAO surveyed state election officials in all 50 states to obtain their perspectives on holding special elections consistent with the federal law. Based on GAO's preliminary analysis of the survey results, 15 of the 27 officials who responded to the survey so far reported that they were not aware of the federal law prior to hearing about GAO's study. In addition, officials identified a range of challenges related to holding special elections consistent with the federal law. For example, officials reported that it would be difficult to select candidates within the time frames required by the law. Officials also noted challenges related to preparing and printing ballots, identifying polling places and poll workers, and transmitting absentee ballots to uniformed services and overseas voters.

State election officials reported that the challenges they identified could affect the accuracy and availability of ballots, pamphlets, and other voting materials; public perceptions of the election; and voting access, such as whether voters have sufficient time to request absentee ballots. However, many officials noted that they would be able to hold special elections consistent with the federal law. Additionally, officials identified state practices that may help them hold such elections. For example, officials reported that in some cases, states assign responsibility for candidate selection to political parties and noted that this could be done relatively quickly under a special election.